Confirmation No. 5757 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	BARRACLOUGH *et al.*	Examiner:	Van Handel, M.
Serial No.:	09/740,263	Group Art Unit:	2424
Filed:	December 18, 2000	Docket No.:	8X8S.223PA
Title:	NETWORK INTERFACE UNIT CONTROL SYSTEM AND METHOD THEREFOR		

APPEAL BRIEF

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Customer No.
40581

Dear Sir:

This Appeal Brief is submitted pursuant to 37 C.F.R. § 41.37, in support of the Notice of Appeal filed December 16, 2009, and in response to the rejections of claims 1-75 as set forth in the Final Office Action dated August 12, 2009, and the Advisory Action dated November 17, 2009.

Please charge Deposit Account No. 50-0996 (8X8S.223PA) $540.00 for filing this brief in support of an appeal as set forth in 37 C.F.R. §1.17(c). If necessary, authority is given to charge/credit Deposit Account 50-0996 additional fees/overages in support of this filing.

I. Real Party In Interest

The real party in interest is 8x8, Inc., having a principal place of business at 810 W. Maude Avenue, Sunnyvale, California 94085. The above-referenced patent application is assigned to 8x8, Inc.

II. Related Appeals and Interferences

While Appellant is aware of other pending applications owned by the above-identified Assignee, apart from the file history of the instant application, Applicant is unaware of any related appeals, interferences or judicial proceedings that would have a bearing on the Board's decision in the instant appeal.

III. Status of Claims

Claims 1-75 stand rejected and are presented for appeal. A complete listing of the claims under appeal is provided in an Appendix to this Brief.

IV. Status of Amendments

No amendments have been filed subsequent to the Final Office Action dated August 12, 2009.

V. Summary of Claimed Subject Matter

As required by 37 C.F.R. § 41.37(c)(1)(v), a concise explanation of the subject matter defined in the independent claims involved in the appeal is provided herein. Appellant notes that representative subject matter is identified for these claims; however, the abundance of supporting subject matter in the application prohibits identifying all textual and diagrammatic references to each claimed recitation. Appellant thus submits that other application subject matter, which supports the claims but is not specifically identified above, may be found elsewhere in the application. Appellant further notes that this summary does not provide an exhaustive or exclusive view of the present subject matter, and Appellant refers to the appended claims and their legal equivalents for a complete statement of the invention.

Commensurate with independent claim 1, an embodiment of the present invention is directed towards a closed-loop media storage and playback circuit arrangement for processing media-based external-services data for a user facility that provides media and telephony-related services to its users (*see, e.g.*, FIG. 1 and page 8:25-9:5). The circuit arrangement includes a closed-loop audio, video, and data signal bussing arrangement adapted to distribute audio, video, and data to designated points in the user facility (*see, e.g.*, 140 in FIG. 1 and page 8:25-30). A plurality of telephony-based appliances are communicatively coupled to the bussing arrangement, wherein the plurality of appliances provide bi-directional telephony services using at least one of: audio, video, and data signals (*see, e.g.*, 230 of FIG. 2 and page 10:3-16). A media storage and playback device includes at least one data memory circuit adapted to store external-services data and adapted to store configuration data and a programmable network interface unit (NIU) adapted to store media-based external-services data in the memory circuit and to communicatively couple the stored external services data from the memory circuit to the plurality of appliances in the user facility via the bussing arrangement as a function of the configuration data in the memory circuit (*see, e.g.*, NIU 245 in FIG. 2 and at page 10:3-16). A remote-control user input device is adapted to communicate with the NIU, in response to user inputs received at the remote user input device, to access the data stored in the memory circuit, program the programmable NIU by providing the configuration data to the NIU, and command the NIU by communicating command signals via the closed-loop bussing arrangement to configure the external-services data for use at a particular one of the plurality of appliances in the user facility, based upon capabilities of the particular one of the appliances, and to control the NIU to communicate the configured external-services data to the particular one of the plurality of appliances (*see, e.g.*, 250 of FIG. 2 and page 10:3-16).

Commensurate with independent claim 46, an embodiment of the present invention is directed towards a network interface system for interfacing different types of communication systems including a first user-based telephone communication system including a telephony-based user communication device within a user facility and a packet-based communication system (*see, e.g.*, FIG. 1 and page 8:25-9:5). A data memory circuit is adapted to store configuration data and packet-based data from the packet-based communication system (*see,*

e.g., FIG. 1 and page 13:13-29). A processor arrangement (*see*, *e.g.,* NIU 130 of FIG. 1, or 245 of FIG. 2, and page 14:10-22) is adapted to write configuration data into and read configuration data from the memory circuit and to provide data for presenting configuration information for accessing at the telephony-based user communication device, and to process data received from, and exchange processed data between, the first user-based telephone communication system and the packet-based communication system. In response to the configuration data, the processor circuit is adapted to route both selected information provided by the packet-based communication system and data stored at the data memory circuit to selected channels of the first user-based telephone communication system by configuring at least some of the data routed into a processor-readable format that is amenable to access by a telephony-based appliance connected to the user-based telephone communication system. User input means is configured for inputting configuration-defining control signals, wherein the processor arrangement responds to the configuration-defining control signals by changing the configuration data in the memory circuit and by reconfiguring and rerouting selected information provided by the packet-based communication system to selected channels of the first user-based telephone communication system according to the configuration-defining control signals (*see*, *e.g.*, 250 of FIG. 2 and page 10:3-16).

Commensurate with independent claim 55, an embodiment of the present invention is directed towards a network interface system for interfacing different types of communication systems including a first user-based telephone communication system including a telephony-based user communication device, and a packet-based communication system (*see*, *e.g.*, FIG. 1 and page 8:25-9:5). A data memory circuit stores data including packet-based data received via the packet-based communication system (*see*, *e.g.*, FIG. 1 and page 13:13-29). A processor arrangement is adapted to write data-intercept select data into and read data-intercept select data from the memory circuit and to provide data for communicating with a user via the telephony-based communication device (*see*, *e.g.,* NIU 130 of FIG. 1, or 245 of FIG. 2, and page 14:10-22). The processor arrangement is further adapted to process data received from, and exchange processed data between, the first user-based telephone communication system and the packet-based communication system by configuring data

between executable formats respectively proprietary to the telephone communication system and the packet-based communication system, and, in response to the data in the data memory circuit, also adapted to intercept information from the packet-based communication system and to store the intercepted information in the data memory circuit. A user means is configured for inputting message-retrieval control signals, wherein the processor arrangement responds to the message-retrieval control signals by displaying messages from the data memory circuit (*see, e.g.*, 250 of FIG. 2 and page 10:3-16).

Commensurate with independent claim 65, an embodiment of the present invention is directed towards a method for controlling communications data in a communications system at a user facility, the system having a NIU (Network Interface Unit), a user interface device, a plurality of telephony-based communications appliances, and a closed-loop bussing arrangement (*see, e.g.*, FIG. 3 and page 12:26-13:12). The NIU is programmed from the user interface device via the bussing arrangement with configuration information for configuring received external-services data (*see, e.g., id*). The NIU receives external-services data, stores the received external-services data in a memory circuit, and responsive to the configuration information, configures the stored external-services data from a first processor-readable data format into a different processor-readable data format and transfers the configured data via the bussing arrangement to one of the telephony-based communications appliances (*see, e.g., id*). The transferred external-services data is received at the one telephony-based communications appliances (*see, e.g., id*).

VI. Grounds of Rejection to be Reviewed Upon Appeal

The grounds of rejection to be reviewed on appeal are as follows:

A. Claims 1, 2, 4, 6, 8-16, 21, 23-28, 30, 32-36, 42-49, 51, 53-59, 63-66, 68, 70 and 74 stand rejected under 35 U.S.C. § 103(a) over Hamlin (U.S. Patent No. 5,574,964) in view of Ellis *et al.* (U.S. Patent Publication No. 2005/0251827).

B. Claims 3 and 5 stand rejected under 35 U.S.C. § 103(a) over Hamlin (U.S. Patent No. 5,574,964) in view of Ellis *et al.* (U.S. Patent Publication No. 2005/0251827), and in further view of Edson (U.S. Patent No. 6,526,581).

C. Claims 7, 22, 29, 31, 37-41, 67 and 75 stand rejected under 35 U.S.C. § 103(a) over Hamlin (U.S. Patent No. 5,574,964) in view of Ellis *et al.* (U.S. Patent Publication No. 2005/0251827), and in further view of Edens *et al.* (U.S. Patent No. 6,611,537).

D. Claims 17-19, 52 and 60-62 stand rejected under 35 U.S.C. § 103(a) over Hamlin (U.S. Patent No. 5,574,964) in view of Ellis *et al.* (U.S. Patent Publication No. 2005/0251827), and in further view of Cohen *et al.* (U.S. Patent No. 4,837,798).

E. Claims 20 and 50 stand rejected under 35 U.S.C. § 103(a) over Hamlin (U.S. Patent No. 5,574,964) in view of Ellis *et al.* (U.S. Patent Publication No. 2005/0251827), and in further view of Goldstein (U.S. Patent No. 5,410,326).

F. Claims 69 and 71-73 stand rejected under 35 U.S.C. § 103(a) over Hamlin (U.S. Patent No. 5,574,964) in view of Ellis *et al.* (U.S. Patent Publication No. 2005/0251827), and further in view of Lewis (U.S. Patent No. 5,835,126).

G. Claims 3 and 5 stand rejected under 35 U.S.C. § 112(1).

VII. Argument

Before addressing each ground of rejection, Appellant notes that all of the alleged "prior art" rejections rely upon an erroneous interpretation of a network interface device that simply passes data, as an end device that actually uses the data. These rejections also rely upon an erroneous interpretation of frequency translation for routing purposes, with data configuration for actual use of the data (the cited network interface devices can pass all data, but simply "listen" on a particular frequency for the sole purpose of routing data to an appropriate recipient). Resolution of these issues, in accordance with Section A below, renders the rejections addressed in all of Sections A-F improper. Aside from these alleged

"prior art" rejections, the only remaining rejection is of claims 3 and 5 under § 112(1), which is improper as further discussed below in Section G. The following addresses these matters in greater detail.

A. The Rejection Of Claims 1, 2, 4, 6, 8-16, 21, 23-28, 30, 32-36, 42-49, 51, 53-59, 63-66, 68, 70 And 74 Stand Under 35 U.S.C. § 103(a) Over Hamlin In View Of Ellis Lacks Correspondence And Is Unmotivated.

1. The Cited Network Interface Pods Do Not Correspond To Claim Limitations Directed To End Devices As Asserted.

As indicated above, the § 103 rejections are based upon a misinterpretation of a network interface device that simply routes content using frequency-based content identification, with an end device that actually uses the content. Specifically, the cited "pods" (in the Hamlin '964 reference, upon which all "prior art" rejections rely) retrieve content passed on a network based upon the frequency of the content, where the frequency is assigned to the pod for routing purposes. See, for example, column 6:25-28, which discusses the pods and their respective abilities to route data based upon any assigned frequency, such as for routing content to a television. Column 7:29-33 further describes the system's ability to relocate end devices, and to simply reprogram respective pods to "listen" on an appropriate channel for the end devices. The alleged configuration (the cited frequency translation) thus has no bearing upon the ability of any device to use data, as claimed or otherwise.

Referring to Figure 1 of the '964 reference, copied below for convenience, the respective pods (*e.g.*, pod 44) are separate from the end devices (*e.g.*, a television 46). The description in the '964 reference explains that the routed data is used by the end units (televisions), and the pods simply act as interfaces to the network (*see* column 7:9-41).

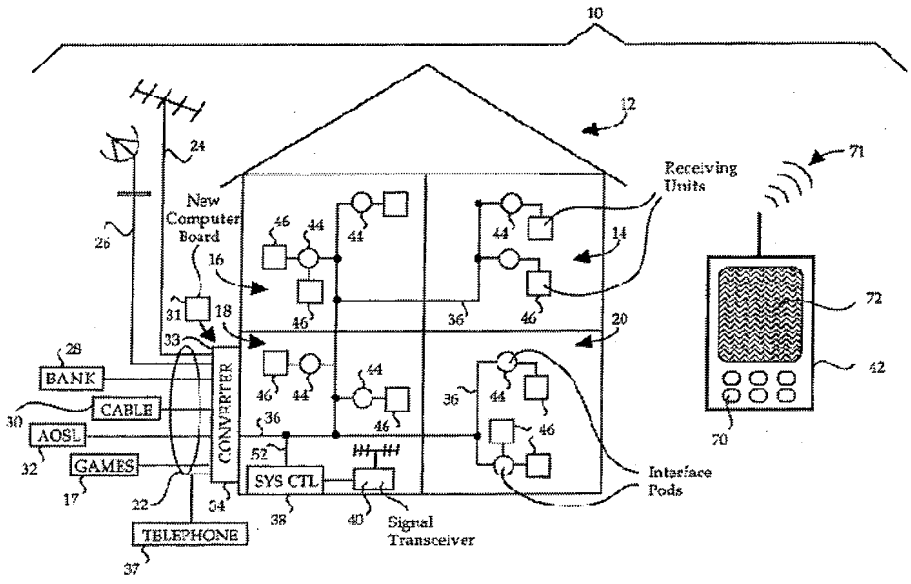

Fig. 1

These network interface pods thus do not and cannot correspond to claim limitations directed to an appliance that is configured to actually use the received content, or to applications in which the content is configured based upon capabilities of the end device that uses the content (*e.g.*, the data routing effected via the pods do not involve any "processor-readable" format (*see*, *e.g.*, independent claims 46 and 65), or configuring data between "executable" formats (*see*, *e.g.*, independent claim 55)). Once a frequency-translated signal is received at a pod, the pod converts the signal back into a format consistent with the signal's original format for use at an end device such as a TV. The pod thus never uses the signal, nor does it require configuration of the signal into any particular format for use.

The Examiner's apparent attempt to address Appellant's traversals regarding these matters demonstrates the errors in the rejection. Specifically, the Examiner's assertion in the Advisory Action that "the demodulation and protocol conversion of the data is necessary for it to be received by the end device" ignores the fact that the conversion is solely for addressing relevant to the pods. The respective end devices (46) do not care where the data comes from, they simply receive and use data provided by the pods (44) to which they are attached. Moreover, the Examiner is again confusing the pods 44, which interface with the network, with end devices 46 that actually use the routed data. Furthermore, this "demodulation" has nothing to do with the end devices 46, and is instead carried out to

enable communications of all received data in a common format on a single bus network (*see, e.g.*, column 3:29-36 of the '964 reference).

Accordingly, the rejections are based upon an erroneous interpretation of the cited network interface/routing pods, which simply pass data, as end devices that actually use the data. The record (as it stands) thus fails to support the § 103 rejection of claims 1, 2, 4, 6, 8-16, 21, 23-28, 30, 32-36, 42-49, 51, 53-59, 63-66, 68, 70 and 74, which includes all independent claims.

2. The Cited Bandwidth-Based Frequency Translation Fails To Correspond To Claim Limitations Directed To Data Configuration Specific To An End Device Or Otherwise.

The alleged data configuration (frequency translation) in the '964 reference is not relevant to the use of routed content at any end device, much less at one of the pods (or any device), thus failing to correspond to limitations directed to data configuration including that involving configuration that is "based upon capabilities of the particular one of the appliances." Specifically, the rejections rely upon a misinterpretation of frequency-based communication channels as corresponding to frequency-based data configuration, the former of which is simply to ensure that the right data gets to the right place, and the latter of which (as claimed) actually involves reconfiguring the data for use at a particular device (*e.g.*, configuration to a process-readable format). The frequency-based communication in the '964 reference involves communicating different data streams over different frequencies so that end devices can "listen" on a desired frequency. The pods in the '964 reference can listen on all frequencies, and data sent to the respective end devices can also be sent over any frequency. The frequency used in the '964 reference is thus for communication routing purposes and has no bearing upon the ability of end devices to actually use the data.

The Examiner's misinterpretation may be further understood in reviewing the Response to Arguments at page 3 of the Final Office Action, which erroneously asserts that the frequency conversion is "necessary for the interface pod and corresponding end device to receive the content." While the Examiner is correct in that the '964 reference requires that a particular frequency be used to communicate data to a particular pod, this communication frequency is irrelevant to the respective end device's *ability* to process the received data. As

described throughout the '964 reference, while the respective pods listen at a particular frequency or frequencies, they are capable of listening on all frequencies and, further, the format of the data has nothing to do with the communication frequency. Referring to column 6:25-28, the pods 44 are effectively directed to listen on different communication frequencies depending upon the desired signal to be sent thereto (*e.g.*, a different television channel), yet these frequencies do not affect the actual data being sent, or the ability of the end device (*e.g.*, a VCR) to process the data that is received.

Referring to independent claims 46, 55 and 65 by way of example, the cited frequency conversion in the '964 reference accordingly has no bearing upon the claimed configuration to a "processor-readable" format amenable for use at a particular end device, or to configuring data between "executable" formats. Moreover, as each signal that is received in the '964 reference is already configured for use by a particular end device (*see, e.g.*, column 1:66-2:3), there is no reason to modify those signals as claimed (see, *e.g.*, independent claim 46).

Accordingly, the rejections are based upon an erroneous interpretation of frequency-based conversion, which is used for assigning communication channels within a particular frequency range (to share bandwidth), with the configuration of data for actual use at an end device. The cited frequency-based data configuration is simply to ensure that the right data gets to the right place, and has no bearing upon the respective pods' ability to use the data (the pods do not use the data as discussed in Section A(1) above), whereas data configuration (as claimed) actually involves reconfiguring the data for use at a particular device (*e.g.*, configuration to a process-readable format). No portion of the '964 reference appears to disclose or contemplate any configuration of stored (or received) external-services data for use at a particular appliance based on capabilities of the appliance, as all configuration in the '964 reference appears solely to effect the communication of data over a common cable. Moreover, as each signal that is received in the '964 reference is already configured for use by a particular end device (*see, e.g.*, column 1:66-2:3), there is no reason to modify those signals as claimed (*see, e.g.*, independent claim 46). Therefore, the '964 reference and various combinations therewith fail to disclose, teach or suggest limitations directed to configuring "the external-services data for use at a particular one of the plurality of

appliances in the user facility, based upon capabilities of the particular one of the appliances..." as in claim 1.

The record (as it stands) thus further fails to provide correspondence supporting the § 103 rejection of claims 1, 2, 4, 6, 8-16, 21, 23-28, 30, 32-36, 42-49, 51, 53-59, 63-66, 68, 70 and 74, which includes all independent claims. Because none of the cited references teaches aspects of the claimed invention directed to device-specific frequency translation, no reasonable interpretation of the asserted prior art, taken alone or in combination, can provide correspondence. As such, the rejections fail.

3. The Rejection Of Claim 16 Is Improper Because The Cited References Do Not Alter The Format Of Data As Claimed.

The rejection of claim 16 is improper for reasons including those discussed above, as applicable to claim 1 (from which claim 16 depends) and otherwise. Relevant to Section A(1), the cited pods do not correspond to end devices as claimed, and as relevant to Section A(2), the cited frequency translation has no bearing upon any end device's *ability* to use the data (only upon the routing of the data to the end device).

The rejection of claim 16 is further improper because the asserted ability of the "converter 34 being able to convert from mass media signals or internet signals to a signal that is communicated on the bus 36" is unsupported in the '964 reference and fails to provide any indication that the frequency conversion alters data into a non-packet-based format. Rather, it appears that the conversion is for communication purposes only, and has no bearing upon the type of data. As is well-known, packet-based data such as satellite television data can be frequency converted to render the data amenable to communication to a particular device, without changing the configuration of the data itself.

The Examiner's attempt to address Appellant's traversals in discussing the '964 reference's use of non-packet-based data is not germane to Appellant's traversals and fails to overcome the established lack of correspondence. In this context, Appellant's traversals do not assert that the '964 reference does not communicate frequency-converted signals in a non-packet-based format (such an assertion would be erroneous), but rather that the '964 reference does not *alter* the format of data from a first format (*e.g.*, a packet-based format)

into a different non-packet-based format (*e.g.*, a processor-readable format). As discussed above, the '964 reference simply changes the frequency medium over which the data is communicated, and does not alter the format of the data itself. Accordingly, the cited combination of references fails to disclose related limitations in claim 16, the rejection of which should thus also be reversed.

4. The Rejection Of Claims 2 And 4 Is Improper Because The Cited References Do Not Alter The Format Of Data As Claimed.

The rejection of claims 2 and 4 is improper for reasons including those discussed above, as applicable to claim 1 (from which claims 2 and 4 depend) and otherwise. Relevant to Section A(1), the cited pods do not correspond to end devices as claimed, and as relevant to Section A(2), the cited frequency translation has no bearing upon any end device's *ability* to use the data (only upon the routing of the data to the end device).

The rejection of claims 2 and 4 is further improper because, as consistent with the above, the '964 reference is not concerned with any "processor-readable format" and is instead directed simply to slotting data into a frequency at which a pod device is listening. Specifically regarding claim 4, the Office Action fails to mention anything about configuring external services data into a different processing format AND into a different communications format. As discussed above, the '964 reference is concerned only with communications and carries out no processor-based configuration. Accordingly, the cited combination of references fails to disclose limitations in claims 2 and 4, the rejections of which should also be reversed for these reasons.

5. The Record Has Failed To Establish Motivation To Modify The '964 Reference, In Erroneously Relying Upon An "Obvious To Try" Argument That Is Impermissible Where The Primary Reference Is Modified.

The rejections of claims 1, 2, 4, 6, 8-16, 21, 23-28, 30, 32-36, 42-49, 51, 53-59, 63-66, 68, 70 and 74 are improper because they are based upon a misinterpretation of the 2007 *KSR* Decision (and the September, 2008 BPAI Decision referenced at page 5 of the Office Action), in effectively asserting an "obvious to try" argument that both contradicts the *KSR* decision and more-recent (2009) law that clarifies the obviousness standard set forth

in *KSR*.[1,2] The Examiner's attempt to address Appellant's traversals in this matter (in the Advisory Action and otherwise) amount to various assertions that are unsupported by any evidence from the prior art, and instead rely upon assertions "the Examiner has set forth the rationale" for motivation. The Examiner continues to misconstrue the law in these instances, which does not permit the Examiner to conclude, without support, that motivation exists without providing evidence from the prior art in support thereof. This is particularly relevant where the proposed modification is not simply adding two things together, but actually modifying or replacing something in the primary reference.

Specifically, the *Kubin* court specified that an "obvious to try" argument as presented herein is impermissible. More is required, such as guidance from the asserted prior art that sets forth the particular form of the claimed invention or otherwise describes how to achieve it. Interpreting *KSR*, the *Kubin* court explained two situations in which the "obvious to try" standard under § 103(a) may not be applied:

> (1) where one would have "to vary all parameters ... where the prior art gave either no indication of which parameters were critical ..."; or
>
> (2) an area of "new technology or general approach that seemed to be a promising field of experimentation, where the prior art gave only general guidance as to the particular form of the claimed invention or how to achieve it."[3]

In this instance, nothing in the record establishes that the '964 reference would be modified to operate in accordance with configured data as claimed (*e.g.*, how a VCR could process reformatted video data), or would include other components in various claim limitations such as those directed to control configurations, security configurations, and packet-switching over a twisted pair bus. In fact, as described further below, the '964 reference teaches away from modifying data as claimed, as it does not appear that the respective end devices could process data configured into a different format. Accordingly, one of skill in the art would be motivated to maintain the configuration of the data being sent, and modify only the frequency over which the data is communicated for routing purposes. The rejections thus rely (at best) upon on an impermissible "obvious to try" argument that

[1] *KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007)
[2] *In re Kubin*, 561 F.3d 1351 (Fed. Cir. 2009)
[3] *In re O'Farrell*, 853 F.2d 894 quoting at 903 (Fed. Cir. 1988)

fails to provide any explanation as to how the '964 reference's frequency-based routing approach could or would operate as claimed. As such, the rejections fail.

6. There Is No Motivation To Modify The '964 Reference Because The Cited References Teach Away From The Proposed Modification.

All of the § 103 rejections are further improper because the cited references teach away from the Office Action's proposed combination. Consistent with recent case law, M.P.E.P. § 2143.01 explains the long-standing principle that a § 103 rejection cannot be maintained when the asserted modification undermines either the operation or the purpose of the main reference - the rationale being that the prior art teaches away from such a modification. *See KSR at* 1742 ("[W]hen the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be non-obvious."). *See also In re Gordon*, 733 F.2d 900 (Fed. Cir. 1984) (A §103 rejection cannot be maintained when the asserted modification undermines purpose of the main reference.).

In this instance, the proposed modification of the '964 reference to reconfigure data being sent into a different (*e.g.*, processor-readable) format would render the reference inoperable for its purpose to "distribute multiple received signals having different formats .. to various locations within a structure without requiring unique reception equipment at each of the specific locations." The end devices remain compatible with the received signals, which are simply routed on a particular communication frequency and not configured as discussed above. The Examiner's apparent attempt to address this traversal (as consistent with the Advisory Action) relies upon an assertion that "the Hamlin reference teaches reconfiguring data into a different format," which fails to acknowledge that the asserted modification is for routing purposes and is not for configuring the data for use by an end device. The Examiner's response is thus irrelevant to the issue at hand, and fails to comprehend the relevant law barring such combination.

B. The Rejection Of Claims 3 and 5 Lack Correspondence And Motivation, and Fail To Identify The Relied-upon References.

The rejection of claims 3 and 5 is improper for reasons including those discussed in Section A above, as applicable to claim 1 (from which claims 3 and 5 depend) and otherwise. Relevant to Section A(1), the cited pods do not correspond to end devices as claimed, and as relevant to Section A(2), the cited frequency translation has no bearing upon any end device's *ability* to use the data (only upon the routing of the data to the end device). As relevant to Sections A(5) and A(6), the Office Actions of record have failed to establish motivation for combining references as asserted, in impermissibly relying upon an "Obvious to Try" standard in direct contradiction to relevant law, and further because the cited references themselves teach away from the proposed combination of references.

The rejections of claims 3 and 5 are further improper because the Office Action relies upon an "Edson" reference without specifying a particular citation for the reference in the statement of rejection. The Examiner's response (in the Advisory Action) that "relevant particular citations were referenced" appears to be directed to cited portions in the reference. However, Appellant's traversals were directed to the fact that no citation was provided in the rejections for the Edson reference (*e.g.*, a U.S. patent number was not provided for the reference). Accordingly, the rejections fail to comply with the requirements of the M.P.E.P. Appellant had addressed (and continues to address) the then-new rejection based upon the '581 reference in the PTO form (PTO-892), as follows.

The rejection of claim 3 is improper because the cited references fail to disclose performing a non-frequency-based reconfiguration of external services data to configure the data into a new format for use by a particular appliance. Regarding claim 5, the cited references fail to disclose communicating stored external services data in a packetized format using data packets including a packet header that identifies a destination packet-based address to which the stored external services data is to be sent, where such a bussing arrangement communicates data on common frequencies.

The Examiner has not addressed these traversals. Accordingly, the record (as it stands) does not support the rejections of claims 3 and 5. Appellant therefore requests that the rejections be reversed.

C. The Rejection Of Claims 7, 22, 29, 31, 37-41, 67 and 75 Lacks Correspondence And Motivation.

The rejection of claims 7, 22, 29, 31, 37-41, 67 and 75 is improper for reasons including those discussed in Section A above, as applicable to the claims from which claims 7, 22, 29, 31, 37-41, 67 and 75 depend. Relevant to Section A(1), the cited pods do not correspond to end devices as claimed, and as relevant to Section A(2), the cited frequency translation has no bearing upon any end device's *ability* to use the data (only upon the routing of the data to the end device). As relevant to Sections A(5) and A(6), the Office Actions of record have failed to establish motivation for combining references as asserted, in impermissibly relying upon an "Obvious to Try" standard in direct contradiction to relevant law, and further because the cited references themselves teach away from the proposed combination of references.

The rejection of claims 7, 22, 29, 31, 37-41, 67 and 75 is further improper because the rejections rely upon the Examiner's assertion as to what "would have been obvious," which is devoid of any support whatsoever from the prior art. Moreover, the Examiner has provided no explanation whatsoever as to how the primary '964 reference would be modified as asserted, or how it could accordingly function. For instance, it is unclear as to how a telephone connection could be made over the bus in the '964 reference, as the bus requires frequency translation in order to route data and function accordingly. As particularly relevant to the rejection of claim 22, the Office Action has failed to establish any rationale for displaying caller ID information, where nothing in the proposed combination provides any explanation as to how the '964 reference's bus would route calls. The rejections of other claims similarly fail to address call-based functions. The rejections of claims 7, 22, 29, 31, 37-41, 67 and 75 should therefore also be reversed for these purposes.

D. The Rejection Of Claims 17-19, 52 and 60-62 Lacks Correspondence And Motivation.

The rejection of claims 17-19, 52 and 60-62 is improper for reasons including those discussed in Section A above, as applicable to the claims from which claims 17-19, 52 and

60-62 depend. Relevant to Section A(1), the cited pods do not correspond to end devices as claimed, and as relevant to Section A(2), the cited frequency translation has no bearing upon any end device's *ability* to use the data (only upon the routing of the data to the end device). As relevant to Sections A(5) and A(6), the Office Actions of record have failed to establish motivation for combining references as asserted, in impermissibly relying upon an "Obvious to Try" standard in direct contradiction to relevant law, and further because the cited references themselves teach away from the proposed combination of references.

The rejection of claims 17-19, 52 and 60-62 is further improper because the rejections rely upon the Examiner's assertion as to what "would have been obvious," which is devoid of any support whatsoever from the prior art. Moreover, the Examiner has provided no explanation whatsoever as to how the primary '964 reference would be modified as asserted, or how it could accordingly function "to create a more comprehensive and consistent facility." In addition, the Examiner has not established that the '964 reference would operate with, or benefit from, various limitations such as those involving the conversion of data in a word-processing format into an audio format. This conversion further appears to contradict the purpose of the '964 reference, which involves delivering content (*e.g.*, a television signal) in a format that is already based upon the end device to which the content is being delivered. The rejections similarly fail to address specific conversion functions in other claims. The rejections of claims 17-19, 52 and 60-62 therefore fail to provide correspondence to the claimed invention and lack motivation. Appellant requests that the rejections be reversed.

E. The Rejection Of Claims 20 and 50 Lacks Correspondence And Motivation.

The rejection of claims 20 and 50 is improper for reasons including those discussed in Section A above, as applicable to the claims from which claims 20 and 50 depend. Relevant to Section A(1), the cited pods do not correspond to end devices as claimed, and as relevant to Section A(2), the cited frequency translation has no bearing upon any end device's *ability* to use the data (only upon the routing of the data to the end device). As relevant to Sections A(5) and A(6), the Office Actions of record have failed to establish motivation for combining

references as asserted, in impermissibly relying upon an "Obvious to Try" standard in direct contradiction to relevant law, and further because the cited references themselves teach away from the proposed combination of references.

The rejection of claims 20 and 50 is further improper because these rejections also rely upon assertions as to what "would have been obvious" that are devoid of any support whatsoever from the prior art, and that lack any explanation as to how the '964 reference would be modified as asserted, or how the reference could accordingly function "to create a more comprehensive and consistent facility." For example, as the '964 reference involves in-home users accessing data such as a television signal, the Examiner has not established that security is an issue, and has not explained how the '964 reference would operate under such conditions (*e.g.*, how pod frequencies would be assigned). The rejections of claims 20 and 50 therefore fail to provide correspondence to the claimed invention and lack motivation. Appellant requests that the rejections be reversed

F. The Rejection Of Claims 69 and 71-73 Lacks Correspondence And Motivation.

The rejection of claims 69 and 71-73 is improper for reasons including those discussed in Section A above, as applicable to the claims from which claims 69 and 71-73 depend. Relevant to Section A(1), the cited pods do not correspond to end devices as claimed, and as relevant to Section A(2), the cited frequency translation has no bearing upon any end device's *ability* to use the data (only upon the routing of the data to the end device). As relevant to Sections A(5) and A(6), the Office Actions of record have failed to establish motivation for combining references as asserted, in impermissibly relying upon an "Obvious to Try" standard in direct contradiction to relevant law, and further because the cited references themselves teach away from the proposed combination of references.

The rejection of claims 69 and 71-73 is further improper because the rejections rely upon the Examiner's assertion as to what "would have been obvious" involving television subscription packages within a home, but fails to provide any explanation as to how the relevant assignment of a subscription package would be applicable in the '964 reference. The

rejection is thus devoid of any support whatsoever from the prior art, and appears to contradict the same (*e.g.*, the televisions in the '964 reference are in a common home and receive the same television data, and the Office Action has not established that separate subscriptions would apply). Moreover, the Examiner has provided no explanation whatsoever as to how the primary '964 reference would be modified as asserted, or how it could accordingly function. The rejections of claims 69 and 71-73 therefore fail to provide correspondence to the claimed invention and lack motivation, and Appellant therefore requests that the rejections be reversed.

G. The § 112(1) Rejection Of Claims 3 and 5 Is Improper And Should Be Reversed.

The § 112 rejections are based upon an erroneous assertion that the specification must disclose word-for-word correspondence, contrary to M.P.E.P. § 2163. Regarding claim 3, claim limitations relevant to the rejection are directed to performing a non-frequency-based reconfiguration of external services data to configure data into a new format for use by a particular appliance. The rejection is based upon an assertion that the specification does not recite "non-frequency-based reconfiguration." However, the specification describes multiple example embodiments involving a configuration that is not frequency based, such as by "converting the data from a first form to a second form, such as from analog to digital or packet-based to non-packet-based" (see page 7:21-22). Converting data from analog to digital, or from packet-based to non-packet-based, are clear examples of non-frequency-based data conversion.

Regarding claim 5, the rejections are based upon an assertion that the specification does not recite communicating data in a packetized format including a packet header that identifies a destination packet-based address. However, the specification clearly recites packet-based busses such as a user bus (*see, e.g.*, page 10:17-24, and describes Internet (packet-based) communications over a bussing arrangement). Such packet-based communications use a packet header to route data, as consistent with packet-based communications and as well understood in the art (*e.g.*, the Internet). Should the Examiner

remain confused about packet-based communications, a telephone call to the undersigned is invited.

In view of the above, Appellant believes that the § 112 rejections are improper and should be reversed.

VIII. Conclusion

In view of the above, Appellant submits that the rejections of claims 1-75 are improper and therefore requests reversal of the rejections as applied to the appealed claims and allowance of the entire application.

Authority to charge the undersigned's deposit account was provided on the first page of this brief.

Respectfully submitted,

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Dated: December 29, 2009

By: _____
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APPENDIX OF CLAIMS INVOLVED IN THE APPEAL
(S/N 09/740,263)

1. A closed-loop media storage and playback circuit arrangement for processing media-based external-services data for a user facility that provides media and telephony-related services to its users, the arrangement comprising:

a closed-loop audio, video, and data signal bussing arrangement adapted to distribute audio, video, and data to designated points in the user facility;

a plurality of telephony-based appliances communicatively coupled to the bussing arrangement, wherein the plurality of appliances provide bi-directional telephony services using at least one of: audio, video, and data signals;

a media storage and playback device including

at least one data memory circuit adapted to store external-services data and adapted to store configuration data and,

a programmable network interface unit (NIU) adapted to store media-based external-services data in the memory circuit and to communicatively couple the stored external services data from the memory circuit to the plurality of appliances in the user facility via the bussing arrangement as a function of the configuration data in the memory circuit; and

a remote-control user input device adapted to communicate with the NIU, in response to user inputs received at the remote user input device, to

access the data stored in the memory circuit,

program the programmable NIU by providing the configuration data to the NIU, and

command the NIU by communicating command signals via the closed-loop bussing arrangement to configure the external-services data for use at a particular one of the plurality of appliances in the user facility, based upon capabilities of the particular one of the appliances, and to control the NIU to communicate the configured external-services data to the particular one of the plurality of appliances.

2. An arrangement for processing external-services data for use in a user facility, according to claim 1, wherein the user input device includes one of the plurality of appliances, and wherein the NIU configures the external-services data by changing the data into a different processor-readable format required by the particular one of the plurality of appliances for processing such data.

3. An arrangement for processing external-services data for use in a user facility, according to claim 1, wherein the NIU is configured to, in response to the command signals, perform a non-frequency-based reconfiguration of external services data to configure the data into a new format for use by a particular one of the plurality of appliances.

4. An arrangement for processing external-services data for use in a user facility, according to claim 1, wherein the NIU is programmed to configure the external-services data into a different processing format for use by processing circuit in a particular type of end device in response to the command signals, and further to configure the external-services data into a different communications format for communicating the data to the particular end device.

5. An arrangement for processing external-services data for use in a user facility, according to claim 1, wherein the bussing arrangement is a packet-based bussing arrangement that communicates data to different devices on overlapping frequencies, and wherein the NIU communicatively couples the stored external services data to the plurality of appliances in the user facility by communicating the stored external services data on the bussing arrangement in a packetized format using data packets including a packet header that identifies a destination packet-based address to which the stored external services data is to be sent.

6. An arrangement for processing external-services data for use in a user facility, according to claim 1, wherein the user input device includes a television remote adapted to select NIU commands from a display generated by the NIU and displayed on the television.

7. An arrangement for processing external-services data for use in a user facility, according to claim 1, wherein the user input device includes a telephone adapted to select NIU commands from a command menu programmed into the NIU.

8. An arrangement for processing external-services data for use in a user facility, according to claim 1, wherein the NIU is further adapted to configure the external services data for use at a particular one of the plurality of appliances.

9. An arrangement for processing external-services data for use in a user facility, according to claim 8, wherein the external services data includes audio and video data, and wherein the NIU is adapted to configure the audio data for use at an audio appliance and to configure the video data for use at a video appliance.

10. An arrangement for processing external-services data for use in a user facility, according to claim 1, wherein the NIU includes the data memory circuit.

11. An arrangement for processing external-services data for use in a user facility, according to claim 1, wherein the NIU is adapted to store incoming external services data at the data memory circuit until a routing command is received from the user input device, and to route the external services data directly from the data memory circuit in response to the received routing command.

12. An arrangement for processing external-services data for use in a user facility, according to claim 11, wherein the user input device is adapted to communicate with the NIU and determine the type of external-services data that is stored.

13. An arrangement for processing external-services data for use in a user facility, according to claim 12, wherein the user input device is adapted to determine the source of the external-services data.

14. An arrangement for processing external-services data for use in a user facility, according to claim 10, wherein the NIU is adapted to store configuration information in the data memory circuit, wherein the configuration information includes routing information for external services data.

15. An arrangement for processing external-services data for use in a user facility, according to claim 1, wherein the external-services data includes data having a first data form, and wherein the NIU is adapted to convert the external services data into a second data form for use by a particular one of the plurality of appliances.

16. An arrangement for processing external-services data for use in a user facility, according to claim 15, wherein the first data form includes packet-based data, and wherein the second data form includes non-packet-based data.

17. An arrangement for processing external-services data for use in a user facility, according to claim 15, wherein the first data form includes word processing data, and wherein the second data form includes audio data.

18. An arrangement for processing external-services data for use in a user facility, according to claim 17, wherein the first data form includes an email message, and wherein the NIU is adapted to read and convert the email into an audio message.

19. An arrangement for processing external-services data for use in a user facility, according to claim 15, wherein the first data form includes audio data, and wherein the second data form includes word processing data.

20. An arrangement for processing external-services data for use in a user facility, according to claim 1, wherein the user input device is further adapted to include a security

code, and wherein the NIU is further adapted to respond only to commands having the security code.

21. An arrangement for processing external-services data for use in a user facility, according to claim 1, wherein the plurality of appliances include a TV, and wherein NIU is adapted to display the configuration of the plurality of appliances on the TV screen.

22. An arrangement for processing external-services data for use in a user facility, according to claim 21, and wherein the configuration data includes telephone data including at least one of: the telephone number assigned to the phone, call waiting options, caller ID options, answering options, forwarding options, message storage options, call blocking options, and call screening options, and where the programmable NIU uses the telephone data to communicatively couple stored external telephony services data to one of the plurality of appliances.

23. An arrangement for processing external-services data for use in a user facility, according to claim 21, wherein the user input device is adapted to command the NIU based upon the configuration display on the TV screen.

24. An arrangement for processing external-services data for use in a user facility, according to claim 1, wherein one of the plurality of appliances includes a display, and wherein the NIU is adapted to display the stored incoming external services data on the display.

25. An arrangement for processing external-services data for use in a user facility, according to claim 24, wherein the user input device is adapted to command the NIU based upon the displayed incoming external services data.

26. An arrangement for processing external-services data for use in a user facility, according to claim 25, wherein the NIU is adapted to display email, audio messages, and

video messages, and wherein the user input device is adapted to respond to an input corresponding to the displayed information and to command the NIU to route the displayed information to a particular one of the plurality of appliances.

27. An arrangement for processing external-services data for use in a user facility, according to claim 1, further comprising a digital memory circuit coupled to the NIU, wherein the external-services data is digital data and is stored in the digital memory circuit.

28. An arrangement for processing external-services data for use in a user facility, according to claim 1, wherein the external-services data is stored at a location external from the NIU, within the user facility.

29. An arrangement for processing external-services data for use in a user facility, according to claim 1, wherein the NIU includes a processor adapted to function as an answering machine for incoming telephony calls.

30. An arrangement for processing external-services data for use in a user facility, according to claim 1, wherein the user input device is coupled to the bussing arrangement and uses the bussing arrangement to command the NIU.

31. An arrangement for processing external-services data for use in a user facility, according to claim 30, wherein the NIU is adapted to receive configuration information in the form of DTMF tones, wherein the bussing arrangement includes a two-wire analog system, and wherein the user input device is adapted to send control signals to the NIU including DTMF tones to administratively control the NIU to configure external services data into a different format based upon a data format that can be processed by one of the plurality of telephony-based appliances to which the configured external services data is to be communicated, as indicated via the DTMF tones.

32. An arrangement for processing external-services data for use in a user facility, according to claim 1, wherein the user input device is adapted to send control signals to the NIU that are configured to enable the control of external-data services including at least one of: caller ID information, address book information, pay-per-view access information, downloadable multimedia information, dynamically allocable telephone numbers, call forwarding, message on hold, directory assistance, and household systems control information.

33. An arrangement for processing external-services data for use in a user facility, according to claim 1, wherein the NIU includes a printed circuit board (PCB) having at least one general processor and at least one specific processor adapted to process video data.

34. An arrangement for processing external-services data for use in a user facility, according to claim 33, wherein the PCB includes a RISC processor.

35. An arrangement for processing external-services data for use in a user facility, according to claim 33, wherein the PCB includes a DSP processor.

36. An arrangement for processing external-services data for use in a user facility, according to claim 1, wherein each of the plurality of appliances is adapted to deliver status information signals to the NIU including the status of the appliance sending the signal, further comprising a user interface device adapted to access and provide the status information to a user.

37. An arrangement for processing external-services data for use in a user facility, according to claim 1, wherein the plurality of appliances includes a microphone adapted for use in an intercom system.

38. An arrangement for processing external-services data for use in a user facility, according to claim 37, further comprising a monitoring device coupled and adapted to

receive audio signals from the microphone and, responsive to detecting an audio signal above a threshold level, send an alert signal to a user via the NIU.

39. An arrangement for processing external-services data for use in a user facility, according to claim 38, wherein the microphone is located near an infant, and the system is used to monitor the infant.

40. An arrangement for processing external-services data for use in a user facility, according to claim 39, wherein the alert includes a page signal.

41. An arrangement for processing external-services data for use in a user facility, according to claim 38, wherein the microphone is adapted to monitor noise for security monitoring.

42. An arrangement for processing external-services data for use in a user facility, according to claim 1, further comprising an appliance interface device coupled to an appliance and to the bussing arrangement and adapted to receive a first type of signal and convert the data signal to a second type of data signal.

43. An arrangement for processing external-services data for use in a user facility, according to claim 42, wherein the appliance interface device is further adapted to receive a signal via a first type of communications line and to transmit the signal via a second type of communications line.

44. An arrangement for processing external-services data for use in a user facility, according to claim 42, wherein the appliance interface device is programmable via a user input.

45. An arrangement for processing external-services data for use in a user facility, according to claim 42, wherein the appliance interface device is programmable by an external-services provider via the NIU.

46. A network interface system for interfacing different types of communication systems including a first user-based telephone communication system within a user facility and a packet-based communication system, comprising:

a data memory circuit adapted to store configuration data and packet-based data from the packet-based communication system;

a telephony-based user communication device;

a processor arrangement adapted to write configuration data into and read configuration data from the memory circuit and to provide data for presenting configuration information for accessing at the telephony-based user communication device, further adapted to process data received from, and exchange processed data between, the first user-based telephone communication system and the packet-based communication system, and, in response to the configuration data, also adapted to route both selected information provided by the packet-based communication system and data stored at the data memory circuit to selected channels of the first user-based telephone communication system by configuring at least some of the data routed into a processor-readable format that is amenable to access by a telephony-based appliance connected to the user-based telephone communication system;

user input means for inputting configuration-defining control signals, wherein the processor arrangement responds to the configuration-defining control signals by changing the configuration data in the memory circuit and by reconfiguring and rerouting selected information provided by the packet-based communication system to selected channels of the first user-based telephone communication system according to the configuration-defining control signals.

47. A network interface system, according to claim 46, further comprising a network system coupled to the first user-based communications system.

48. A network interface system, according to claim 46, wherein the user input means includes at least one of: an IR key panel , a wall-mount unit for the system, a TV, a telephone, a computer, a videophone, a videocassette recorder, a wireless phone, a remote control, a modem, a voice recognition system, an Internet access device, a keypad, and a touch screen.

49. A network interface system, according to claim 46, wherein the processor arrangement is further adapted to write configuration data into the memory circuit in response to signals received from the packet-based communication system

50. A network interface system, according to claim 46, wherein the processor arrangement is further adapted to permit reconfiguration in response to a user-provided security code.

51. A network interface system, according to claim 46, wherein the user communication device includes at least one of: a TV monitor, a printer, and computer.

52. A network interface system, according to claim 46, wherein the user communication device includes a voice generating unit adapted to produce prerecorded messages.

53. A network interface system, according to claim 46, wherein the user input means includes a computer adapted to communicate on the Internet.

54. A network interface system, according to claim 46, wherein the packet-based communication system includes at least one of: a cable modem, a wireless modem, a broadband modem, a telephone modem, a DSL, a T1 line, and a computer network.

55. A network interface system for interfacing different types of communication systems including a first user-based telephone communication system and a packet-based communication system, comprising:

a data memory circuit adapted to store data including packet-based data received via the packet-based communication system;

a telephony-based user communication device;

a processor arrangement adapted to write data-intercept select data into and read data-intercept select data from the memory circuit and to provide data for communicating with a user via the telephony-based communication device, further adapted to process data received from, and exchange processed data between, the first user-based telephone communication system and the packet-based communication system by configuring data between executable formats respectively proprietary to the telephone communication system and the packet-based communication system, and, in response to the data in the data memory circuit, also adapted to intercept information from the packet-based communication system and to store the intercepted information in the data memory circuit;

user means for inputting message-retrieval control signals, wherein the processor arrangement responds to the message-retrieval control signals by displaying messages from the data memory circuit.

56. A network interface system, according to claim 55, wherein the user input means is at least one of: an IR key panel, a wall-mount unit for the system, a TV, a telephone, a computer, a videophone, a videocassette recorder, a wireless phone, a remote control, a modem, a voice recognition system, an Internet access device, a keypad, and a touch screen.

57. A network interface system, according to claim 55, wherein the processor arrangement is further adapted to write data-intercept select data into the memory circuit in response to signals received from the packet-based communication system

58. A network interface system, according to claim 55, wherein the processor arrangement is further adapted to write data-intercept select data into the memory circuit in response to signals received from the input means.

59. A network interface system, according to claim 55, wherein the user communication device includes a TV monitor.

60. A network interface system, according to claim 55, wherein the user communication device includes a voice generating unit adapted to produce prerecorded messages.

61. A network interface system, according to claim 60, wherein the voice generating unit audibly produces the prerecorded messages over the user communication device.

62. A network interface system, according to claim 61, wherein the user communication device is configured for communicating a first audio signal in an audio data format, the signal being configured from a packet-based format into an audio data format by the processor arrangement, and wherein the prerecorded messages are audibly produced at a sound level over that of the first audio signal.

63. A network interface system, according to claim 55, wherein the user communication device includes a computer adapted to communicate on the Internet.

64. A network interface system, according to claim 55, wherein the packet-based communication system includes at least one of: a cable modem, a wireless modem, a broadband modem, a telephone modem, a DSL, a T1 line, and a computer network.

65. A method for controlling communications data in a communications system at a user facility, the system having a NIU (Network Interface Unit), a user interface device, a plurality of telephony-based communications appliances, and a closed-loop bussing arrangement the method comprising:

programming the NIU from the user interface device via the bussing arrangement with configuration information for configuring received external-services data;

receiving external-services data at the NIU;

storing the received external-services data in a memory circuit;

responsive to the configuration information, configuring the stored external-services data from a first processor-readable data format into a different processor-readable data format and transferring the configured data via the bussing arrangement to one of the telephony-based communications appliances; and

receiving the transferred external-services data at the one telephony-based communications appliance.

66. The method of claim 65, wherein programming the data receiving unit with configuration information includes programming routing information for routing the external-services data to particular ones of a plurality of communications devices.

67. The method of claim 66, wherein the particular ones of a plurality of communications devices include a telephony device, and wherein the routing data includes the assignment of a particular telephone number to the telephony device.

68. The method of claim 66, wherein the particular ones of a plurality of communications devices include an Internet device, and wherein the routing data includes the assignment of a particular Internet protocol address to the Internet device.

69. The method of claim 66, wherein the particular ones of a plurality of communications devices include a TV, and wherein the routing data includes assignment data that identifies the assignment of a particular television subscription package to the TV.

70. The method of claim 65, wherein using the user interface device and programming the NIU with configuration information for external-services data includes programming from an external-services provider location, wherein the configuration information includes data for controlling the type of external services that the NIU passes to the plurality of communications devices, and wherein configuring the stored external-services data from a first processor-readable data format into a different processor-readable data format and transferring the configured data via the bussing arrangement to one of the telephony-based

communications appliances includes configuring and transferring less than all of a set of external-services data to one of the telephony-based communications appliances based upon the controlled type of external services.

71. The method of claim 70, wherein the external-services data includes television data, and wherein the external-services provider location programs the NIU with a television subscription package.

72. The method of claim 71, wherein the television subscription package includes a specified number of television sets that can use the television data.

73. The method of claim 71, wherein the television subscription package includes a pay-per-view event.

74. The method of claim 70, wherein the external-services data includes packet-based data, and wherein the external-services provider location programs the NIU with a packet-based access package.

75. The method of claim 70, wherein the external-services data includes telephony-based data, and wherein the external-services provider location programs the NIU with a telephony-based access package.

APPENDIX OF EVIDENCE

Appellant is unaware of any evidence submitted in this application pursuant to 37 C.F.R. §§ 1.130, 1.131, and 1.132.

APPENDIX OF RELATED PROCEEDINGS

As stated in Section II above, Appellant is unaware of any related appeals, interferences or judicial proceedings.